

REMARKS

In the Office Action¹, the Examiner:

rejected claims 8 and 10 under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement;

rejected claims 1-8 and 10-23 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; and

rejected claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,771,291, to DiStefano, III ("DiStefano").

Claims 8 and 18-23 have been amended for clarity. Claims 1-8 and 10-23 are pending.

I. Rejection Under 35 U.S.C. § 112

Applicant respectfully traverses the Examiner's rejection. However to expedite prosecution, claim 8 has been amended for clarity to replace instances of "storage repository" with "computer-readable storage medium." Support for this term is found in Applicant's specification at, for example, page 11 paragraph [0045]. Therefore, the rejection under 35 U.S.C. § 112 should be withdrawn.

II. Rejection Under 35 U.S.C. § 101

Applicant respectfully traverses the Examiner's rejection of claims 1-8, 10 and 18-23 under 35 U.S.C. § 101.

The Examiner applied a two-prong test to determine whether claims 1-8, 10 and 18-23 are directed to statutory subject matter. However, the test the Examiner applied

¹The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

is not correct. Applicant respectfully directs the Examiner's attention to *Ex parte Lundgren*, 2003-2008 (Bd. Pat. App. Int. 2004) (precedential opinion). In the decision, the Board of Appeals and Interferences declared that there is no "technological arts" requirement under § 101. Furthermore, the U.S. Patent and Trademark Office has promulgated interim guidelines for examination which state:

United States patent law does not support the application of a "technical aspect" or "technological arts" requirement. Title 35 of the United States Code does not recite, explicitly or implicitly, that inventions must be within the "technological arts" to be patentable....Accordingly, while an invention must be "new" and "useful," there is no statutory requirement that it fit within a category of "technological arts."

United States Patent and Trademark Office, Official Gazette, Annex III, November 22, 2005. As such, any rejection under § 101 that alleges a "technological arts" requirement is improper and must be withdrawn.

The Examiner also alleges claims 1-8, 10 and 18-23 "are directed to a program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality." Office Action at page 3. This, however, is not correct.

Claims 1 and 8 are drawn to "[a] system for generating a user interface." Claim 19, as amended, is drawn to a "computer-readable storage medium." Thus, independent claims 1 and 8 recite stored information and means for generating a user interface based on the stored information which is a statutory category of invention

under 35 U.S.C. § 101. Claim 19 as amended is drawn to a “computer-readable storage medium,” which is also a statutory category of invention under 35 U.S.C. § 101.

The Examiner further rejects claims 1-7 and 18-23 alleging “the examiner has found in the applicant’s specification where “storage” is not necessarily a tangible device.” Office Action at page 3. However, this is not correct. Claim 1 recites stored information and means for generating a user interface based on the stored information which is a statutory category of invention under 35 U.S.C. § 101. Claims 18-23, as amended, recite a “computer-readable storage medium,” which is a statutory category of invention (emphasis added). Therefore, the rejection to claims 1-8, 10 and 18-23 under 35 U.S.C. § 101 should be withdrawn since claims 2-8, 10, 18 and 20-23 depend on statutory independent claims 1, 8, 11, and 19.

III. Rejections Under 35 U.S.C. § 102(e) in View of DiStefano

Applicant respectfully traverses the rejection of claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as anticipated by DiStefano.

In order to properly establish that DiStefano anticipates Applicant’s claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). DiStefano does not anticipate the claims at least because it fails to teach each and every element of the claims.

Claim 1 recites, among other elements, “defining interaction between at least two of the second GUI components, the interaction including causing a first GUI component to perform an action in response to an event generated by a second GUI component.”

DiStefano does not disclose at least “a first GUI component to perform an action in response to an event generated by a second GUI component.”

The Examiner equates the claimed “first GUI component [performing] an action in response to an event generated by a second GUI component” with “[an example from column 7 of] selecting [a] chick icon and modifying the chick to make a peep noise”. Office Action at page 12. This, however, is not correct.

DiStefano discloses that “once a chick icon has been selected from fx menu 430 and is displayed in design space 280 as web asset 305a, the registered user can further modify the chick to make a peep or other noise by selecting the desired noise from the sound menu 540, dragging the noise to the chick and dropping the noise onto the chick.” DiStefano col. 7 lines 41-46.

Such a disclosure however, cannot constitute the claimed “interaction between at least two of the second GUI components, the interaction including causing a first GUI component to perform an action in response to an event generated by a second GUI component.” A chick icon cannot constitute a GUI component because an icon is not a GUI and a peep noise cannot constitute a GUI component because a sound is not a GUI. As such, associating a noise with an icon cannot constitute an “interaction including causing a first GUI component to perform an action in response to an event generated by a second GUI component” because neither a chick icon nor a peep noise can constitute the claimed “first GUI component” nor the “second GUI component.”

Moreover, such a disclosure cannot constitute an action that is performed in response to an event generated by a GUI component.

Independent claims 11 and 19, although of different scope than claim 1, patentably distinguish the prior art for at least reasons discussed above. Claims 2-7, 12-18 and 20-23 are allowable over the prior art at least due to their dependence. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-7 and 11-23 under 35 U.S.C. § 102(e).

Claim 8 recites, among other elements, "a first set of database tables to define screens," and "a second set of database tables based upon the first set of stored database tables." DiStefano does not disclose the claimed "a first set of database tables" and therefore cannot disclose "a second set of database tables based upon the first set of stored database tables."

The Examiner asserts "[c]olumn 5 lines 12-14 clearly describes database tables to define screens including tables that describe graphical user interface screen components, screen layout, component configuration, application model assignment, and event handling." Office Action at pages 12-13. This, however, is not correct.

The cited portion of DiStefano discloses that "[p]otential customers are capable of interacting with the GUI to perform certain website design functions by logging into computer 140. However, key functions such as searching for web assets, and saving/submitting a fully designed website for posting on the internet 130, can only be performed once the potential customers have logged into the server computer 140 and become registered users such that they have full access to the server computer 140 via the internet 130." DiStefano col. 5 lines 10-18.

Here, or elsewhere, there is no disclosure in DiStefano of “a first set of database tables that describe graphical user interface GUI screen components, screen layout, component configuration, application model assignment and event handling,” or “a second set of database tables based on the first set of tables,” as recited in claim 8. Rather, the DiStefano system is “capable of interacting with the GUI to perform certain website design functions” but does not teach “a first set of database tables that describe graphical user interface GUI screen components, screen layout, component configuration, application model assignment and event handling,” or “a second set of database tables based on the first set of tables.”

Therefore, DiStefano fails to disclose each and every element of claim 8, and the rejection of claim 8 under 35 U.S.C. § 102(e) should be withdrawn. Claim 10 depends from claim 8 and, therefore, the rejection of claim 10 under 35 U.S.C. § 102(e) should also be withdrawn for at least the same reasons discussed above.

CONCLUSION

In view of the foregoing, the pending claims are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants, therefore, request the Examiner's reconsideration of the application, and the timely allowance of pending claims 1-8 and 10-23.


If a telephone interview will expedite issuance of this application, the Examiner is requested to call Applicants' representative whose name and registration number appear below at (202) 408-4214, to discuss any remaining issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: **April 10, 2008**

By: 

Travis Banta
Reg. No. 60,498